

California Regional Water Quality Control Board
North Coast Region

ORDER NO. R1-2002-0010

FOR

ADMINISTRATIVE CIVIL LIABILITY
IN THE MATTER OF
JAMES DOYLE
dba
DOYLE CAMP

FOR

FAILURE TO SUBMIT A STORAGE STATEMENT AND SPILL PREVENTION CONTROL
AND COUNTERMEASURE PLAN IN VIOLATION OF CALIFORNIA WATER CODE
SECTION 13267(b)

Siskiyou County

WHEREAS, the California Regional Water Quality Control Board, North Coast Region (Regional Water Board), hereby finds that:

1. Mr. James Doyle owns and operates a petroleum aboveground storage tank (AGT) as part of the Doyle Camp store in Cecilville, near the South Fork of the Salmon River.
2. The AGT is approximately 1,200 gallons in size and stores gasoline. The AGT lacks secondary containment and is operated in a manner which is a threat to water quality, and requires development of a Spill Prevention, Control and Countermeasure Plan (SPCC Plan). The AGT is also subject to the Aboveground Petroleum Storage Act (APSA) contained in Chapter 6.67 of the California Health and Safety Code (CH&SC). APSA requires owner or operators of AGTs to file a storage statement with the State Water Resources Control Board, pay a fee every two years, and prepare and implement a SPCC Plan.
3. Regional Water Board staff inspected the AGT on July 18, 2000, and observed the AGT system. The aboveground tank facility consists of a tanker truck parked on the side of an earthen road adjacent to the Doyle Camp store. A gas pump is mounted on the back of the tank truck for dispensing fuel to customers. No containment exists around the tank to prevent spills to the environment. During the inspection, soil staining was observed on the ground beneath the fuel dispenser.
4. Regional Water Board staff sent a letter to Mr. Doyle on March 22, 2000 requesting compliance with the APSA through submittal by July 1, 2000 of a SPCC Plan, plans for construction of a secondary containment structure for the AGT, a storage statement, and delinquent filing fees.
5. On November 27, 2000, the Regional Water Board Executive Officer issued an order to Mr. Doyle pursuant to California Water Code (CWC) Section 13267(b). The Order required submission of the storage statement and SPCC Plan by February 1, 2001. Mr.

Doyle has failed to submit the storage statement and SPCC Plan, thereby violating CWC Section 13267(b).

CIVIL LIABILITY

6. CWC Section 13268(a) provides for the imposition of civil liabilities against persons who fail or refuse to provide technical reports as required by subdivision (b) of CWC Section 13267. CWC Section 13268 provides that the Regional Water Board may assess civil penalties in an amount not exceeding one thousand dollars (\$1,000) for each day in which the violation occurs. As set forth above, Mr. Doyle has failed to submit the reports required under CWC Section 13267(b). As of July 12, 2001, Mr. Doyle has been in violation of Section 13267(b) of the CWC for one hundred sixty two (162) days. This yields a maximum civil liability of \$162,000.
7. Based on the foregoing, on May 4, 2001, the Executive Officer issued to Mr. Doyle an Administrative Civil Liability Complaint in the amount of Five Thousand Dollars (\$5,000). The Complaint proposed that Mr. Doyle pay two-thousand five-hundred dollars (\$2,500) by June 15, 2001, with the remaining two-thousand five-hundred dollars (\$2,500) to be permanently suspended contingent upon submission of an SPCC Plan, storage statement, and plans for installation of secondary containment to the Regional Water Board by June 15, 2001. The Complaint provided that failure to submit the SPCC Plan, storage statement and plans for installation of secondary containment would result in the automatic imposition of the suspended penalty of two thousand five hundred dollars.
8. Mr. Doyle has contested his liability under the Complaint, and a hearing on the allegations contained in the Complaint was held on July 26, 2001, after which the Regional Water Board determined that Mr. Doyle violated CWC Section 13267(b) and that he be assessed an administrative civil liability of \$5,000.00.
9. In determining the amount of civil liability, the Regional Water Board took into account the nature, circumstances, extent, and gravity of the violation; and, with respect to the violator, the ability to pay, the effect on ability to continue in business, any prior history of violations, the degree of culpability, economic savings, if any, resulting from the violation, and such other matters as justice may require, as follows:
 - a. The Nature, Circumstances, Extent, and Gravity of the Violations:

Failure to comply with the 13267(b) Order requiring submission of an SPCC Plan and plans for secondary containment resulted in Mr. Doyle's failure to adequately prevent discharges and spills from his tank facility and to ensure protection of water quality.
 - b. Economic Savings

The Siskiyou County Health Department referred the AGT to the Regional Water Board in January 2000; however, Regional Water Board staff does not know the exact date the AGT was first used to store gasoline. The savings for not preparing and

implementing a SPCC Plan are approximately \$1000. The savings for not installing adequate secondary containment are approximately \$1000.

c. Degree of culpability

Mr. Doyle failed to comply with the Aboveground Petroleum Storage Act and California Water Code.

d. Prior History of Violations

No prior history of violations has been documented.

e. Ability to Pay and Ability to Continue in Business:

The Regional Water Board staff has no information regarding Mr. Doyle's ability to pay. Mr. Doyle should be prepared to address his ability to pay the maximum civil liability or any lesser amount.

f. Other Matters as Justice May Require:

Mr. Doyle is operating at an unfair economic advantage to other owners and operators of AGTs who are in compliance with the terms of the APSA and the CWC. The Regional Water Board's costs in attempting to achieve compliance with California law are approximately \$5,000.

10. The issuance of this Order is an enforcement action and is, therefore, exempt from the California Environmental Quality Act, pursuant to Title 14, California Code of Regulations, Section 15321.

THEREFORE, IT IS HEREBY ORDERED that Mr. Doyle (dba Doyle Camp) pay an Administrative Civil Liability in the amount of \$5,000. The \$5,000 Administrative Civil Liability for Mr. Doyle is due within 30 days of adoption of this Order.

Certification

I, Susan A. Warner, do hereby certify that the foregoing is a full, true, and correct copy of an Administrative Civil Liability Order adopted by the California Regional Water Quality Control Board, North Coast Region, on January 24, 2002.

Susan A. Warner
Executive Officer